

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

LORIE L. HANSEN,
Debtor

: Case No. 18-10944-TPA
:
: Chapter 13
: Related to Claim 7 and Doc. Nos. 24, 32, 36,
37

ORDER

On December 21, 2018 the Court issued an Order to Show Cause (“OTSC”) directed against Kristen Zilberstein, Esq. in connection with a *Notice of Postpetition Mortgage Fees Expenses and Charges* (“Notice”), and an *Amended Notice*, both concerning Claim No. 7, that she filed on behalf of . Willmington Savings Fund Society, FSB (“Wilmington”). Following the issuance of the OTSC, Attorney Zilberstein filed a *Second Amended Notice*, a *Response to Order to Show Cause* (“Response”) at Doc. No. 36, and an *Ex Parte Motion to Appear Telephonically at the Order to Show Cause* (“Motion”) at Doc. No. 37.

The Court typically does not allow a telephonic appearance at a show cause hearing except in extraordinary circumstances, which do not appear to have been alleged in the *Motion*. As it is, however, the Court need not make that determination because the *Second Amended Notice* is still deficient in that it does not include attorney time records to show the actual time spent on the activities for which attorney fee reimbursement is sought, and because it does not include a complete loan history, only a partial one. For that reason the Court is going to reconsider the issuance of the OTSC and instead dismiss the *Notice* pursuant to the Order of November 26, 2018, Doc. No. 24, rendering the *Motion* moot.

AND NOW, this 10th day of *January, 2019*, for the reasons stated above, it is **ORDERED, ADJUDGED, and DECREED** that,

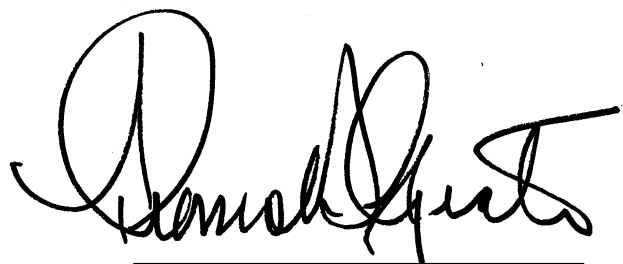
(1) The OTSC is **VACATED** and the hearing previously scheduled for January 30, 2019 is **CANCELLED**.

(2) The *Motion* is **DENIED** as moot.

(3) The *Notice, Amended Notice, and Second Amended Notice* (collectively, “the *Notices*”) are all **DISMISSED** and of no effect.

(4) **On or before January 31, 2019** Wilmington shall file a certification stating that it has provided an Affidavit to the Trustee and the Debtor to the effect that the loan history has been corrected to eliminate any reference to the attorney fees that are the subject of the *Notices*, that it will not seek to impose any of its expenses related to this litigation on the Debtors, and that it has provided the Trustee with a complete loan history from the inception of the loan.

(5) If any of the fees, expenses or charges as set forth in the *Notices* have previously been collected from the Debtor, Wilmington shall promptly make a refund to the Debtor.

A handwritten signature in black ink, appearing to read 'Thomas P. Agresti', written over a horizontal line.

Thomas P. Agresti, Judge
United States Bankruptcy Court

Case administrator to serve:

Daniel Foster, Esq.

Ronda Winnecour, Esq.

Kristin A. Zilberstein, 1920 Old Tustin Ave., Santa Ana, CA 92705